IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3668 OF 2007

Shri Sarjerao K. Gadhe. ..Petitioner.

V/s.

Shri Baban Kacharu Gadhe & ors. ..Respondents.

Mr.M.S.Karnik for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 4, 2007.

P.C. :

1. On the finding recorded by the Revenue Authority on the factum of possession of the suit property with the respondent, no fault can be found with the view taken by the Revenue Authority. The fact that there is decree in favour of the petitioner passed by the Civil Court reckoning petitioner's right to the extent of 1/6th share cannot undo the fact situation that the respondent is in physical possession of the suit property. It would have been a different matter, if the petitioner was to produce the decree of the Civil Court, which has held in favour of the petitioner on the factum of possession. That is not the case on hand. Hence no interference is required.

2. Hence dismissed.